

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

| | | |
|--------------------------------|---|------------------------------|
| DANNY FOSTER, SR., AIS 167673, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CASE NO. 2:22-CV-609-WHA-KFP |
| |) | |
| KAY IVEY, et al., |) | |
| |) | |
| Defendants. |) | |

ORDER

Plaintiff, an inmate at the Ventress Correctional Facility in Clayton, Alabama, filed a pro se Complaint on October 13, 2022, using this Court's standard form for actions brought under 42 U.S.C. § 1983. Plaintiff did not pay the filing fee and administrative fees, and he did not file an application for leave to proceed in forma pauperis with documentation from the correctional facility's inmate account clerk showing his average monthly balance and average deposits to his inmate account over the last six months. Thus, the documents filed by Plaintiff fail to provide the Court with the information necessary to determine whether he should be allowed to proceed without prepayment of filing fees. Additionally, without prepayment of the required fees or the granting of in forma pauperis status, this case cannot continue before the Court.

Accordingly, it is ORDERED that by **November 7, 2022**, Plaintiff must either pay the \$52.00 administrative fee and \$350.00 filing fee or file an application for leave to proceed in forma pauperis with a prison account statement from the inmate account clerk showing the average monthly balance and average monthly deposits in his prison account

for the six-month period immediately preceding the filing of this Complaint. **Plaintiff is cautioned that the Magistrate Judge will recommend dismissal of this case if he fails to comply with this Order.**

To aid Plaintiff in complying with this Order, the Clerk is DIRECTED to (1) provide Plaintiff with an application for leave to proceed in forma pauperis and (2) provide a copy of this Order to the inmate account clerk at the institution where Plaintiff is incarcerated. Although a copy of this Order will be provided to the inmate account clerk, Plaintiff is informed it is his responsibility to obtain the necessary financial information from the inmate account clerk.

Plaintiff must immediately inform the Court and Defendants (or Defendants' counsel if counsel has appeared on behalf of Defendants) of any change in his address. If Plaintiff is transferred to a new correctional institution or released from confinement, he must file a notice of change of address **at the time his address actually changes**. For various administrative reasons, it is improper to change a party's address to reflect a potential future address. Failure to provide a correct address to the Court within **ten days following** a change of address will result in dismissal of this action.

DONE this 17th day of October, 2022.

/s/ Kelly Fitzgerald Pate
KELLY FITZGERALD PATE
UNITED STATES MAGISTRATE JUDGE